

*Withdrawn*

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating dedicated right-of-way therereof.

WHEREAS, a petition to vacate dedicated right-of-way  
within the City of Fort Wayne (as more specifically  
described below) was duly filed with the City Planning  
Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-  
4-12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate  
dedicated right-of-way within the City of Fort Wayne, more  
specifically described as follows, to-wit:

A 55 foot street, known as Ohio Street, in the  
Plat of ELIZA HANNA SR'S ADDITION to the City of  
Fort Wayne as recorded in Deed Record 60, page  
263, extending from the South line of Hayden  
Street (50 feet wide) 183.0 feet on the East line  
thereof and 183.8 feet on the West line thereof to  
the North right-of-way line of the Wabash Railroad  
Company, Norfolk and Western Railway Company being  
the lessee of Wabash Railroad Company;

ALSO the South 12 feet of Lots 214, 215, 216, 217 and  
218 ELIZA HANNA SR'S ADDITION as recorded in Deed  
Record 60, page 263, being a tract 12' x 250',  
heretofore a portion of a 12 foot alley opened by  
Declaratory Resolution #15-1895 Board of Public Works  
and recorded in Plat Book 2, page 38, and as situated  
adjacent to and immediately North of the North right-  
of-way line of the Wabash Railroad Company, Norfolk and  
Western Railway Company being the lessee of Wabash



#404  
Railroad Company;

1 ALSO the South 12 feet of Lots 219 and 220 ELIZA HANNA  
2 SR'S ADDITION as recorded in Deed Record 60, page 263,  
3 being a tract 12' x 250', heretofore a portion of a 12  
4 foot alley opened by Declaratory Resolution #15-1895  
5 Board of Public Works and recorded in Plat Book 2, page  
6 38, and as situated adjacent to and immediately North  
7 of the North right-of-way line of the Wabash Railroad  
8 Company, Norfolk and Western Railway Company being the  
9 lessee of Wabash Railroad Company.

10 and which vacating amends the Thoroughfare Plan of the City  
11 Comprehensive ("Master") Plan and is hereby approved in all  
12 respects.

13 SECTION 2. That this Ordinance shall be in full force  
14 and effect from and after its passage, any and all necessary  
15 approval by the Mayor.

16 Janet G. Bradbury  
17 COUNCILMEMBER

18 APPROVED AS TO FORM AND LEGALITY:

19 J. Timothy McCaulay  
20 J. TIMOTHY MCCAULAY, CITY ATTORNEY

21 \*\* Public hearing to be held on \_\_\_\_\_,  
22 the \_\_\_\_\_ day of \_\_\_\_\_, 1989,  
23 in the Council Chambers.

24 Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 5-12-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.  
PASSED \_\_\_\_\_ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: \_\_\_\_\_

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

CK # 3400

# RECEIPT

No 7245

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

August 16 1989

RECEIVED FROM

Dalhousie & Hopkins St and

\$ 100<sup>00</sup>

THE SUM OF

One Hundred and no/100's

100

DOLLARS

ON ACCOUNT OF

VACATION Petition - Other St

PAID BY:

CASH ☐

CHECK ☒

M.O. ☐

W. E. D'Brin

AUTHORIZED SIGNATURE



PETITION TO VACATE PORTION  
OF STREET AND ALLEY

To: The City Plan Commission  
City of Fort Wayne, Indiana

The undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portions of the public streets and alleys within the City of Fort Wayne, Indiana and hereby described as follows:

A 55 foot street, known as Ohio Street, in the Plat of ELIZA HANNA SR'S ADDITION to the City of Fort Wayne as recorded in Deed Record 60, page 263, extending from the South line of Hayden Street (50 feet wide) 183.0 feet on the East line thereof and 183.8 feet on the West line thereof to the North right-of-way line of the Wabash Railroad Company, Norfolk and Western Railway Company being the lessee of Wabash Railroad Company;

ALSO the South 12 feet of Lots 214, 215, 216, 217 and 218 ELIZA HANNA SR'S ADDITION as recorded in Deed Record 60, page 263, being a tract 12' x 250', heretofore a portion of a 12 foot alley opened by Declaratory Resolution #15-1895 Board of Public Works and recorded in Plat Book 2, page 38, and as situated adjacent to and immediately North of the North right-of-way line of the Wabash Railroad Company, Norfolk and Western Railway Company being the lessee of Wabash Railroad Company;

ALSO the South 12 feet of Lots 219 and 220 ELIZA HANNA SR'S ADDITION as recorded in Deed Record 60, page 263, being a tract 12' x 250', heretofore a portion of a 12 foot alley opened by Declaratory Resolution #15-1895 Board of Public Works and recorded in Plat Book 2, page 38, and as situated adjacent to and immediately North of the North right-of-way line of the Wabash Railroad Company, Norfolk and Western Railway Company being the lessee of Wabash Railroad Company.

In support thereof, your petitioner would represent as follows:

1. That all adjacent property owners have signed this petition and are the only owners of the real estate bordering both sides of the street and alley in question.
2. That the street and alley are not necessary as ingress or egress to other properties whatsoever, and residents and businesses in the area will have ample access to their properties without the use of said street and alley.
3. That no other person, firm or corporation is interested in or affected by the requested vacation.
4. That the maintenance of said street and alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that vacation of said street and alley would be in the best interests of the City and the citizens thereof.



Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above-described street and alley be vacated according to the provisions of the Indiana law pertaining thereto.

Dated this 15<sup>th</sup> day of August, 1989.

WABASH RAILROAD COMPANY

FLASHFOLD PACKAGING GROUP, INC.

*E. E. Kelle*

By E. E. Kelle, Real Estate Manager  
185 Spring Street  
Atlanta, GA 30303  
ADJACENT PROPERTY OWNER

By *Marvin Adler*  
Marvin Adler, President  
1140 Hayden Street  
Fort Wayne, Indiana 46803  
PETITIONER

NORFOLK AND WESTERN RAILWAY  
COMPANY, as lessee of Wabash  
Railroad Company

GALLUCCI, HOPKINS & THEISEN,  
P.C.

*E. E. Kelle*

By E. E. Kelle, Real Estate Manager  
185 Spring Street  
Atlanta, GA 30303  
ADJACENT PROPERTY OWNER

By *James D. Streit*  
James D. Streit, Esq.  
7th Floor, Paine Webber Bldg.  
803 South Calhoun Street  
P.O. Box 12663  
Fort Wayne, Indiana 46864-2663  
Telephone: (219) 424-3800  
ATTORNEYS FOR PETITIONER



LAW OFFICES

GALLUCCI, HOPKINS & THEISEN

PROFESSIONAL CORPORATION

7TH FLOOR, PAINE WEBBER BUILDING

803 SOUTH CALHOUN STREET

P.O. BOX 12663

FORT WAYNE, INDIANA 46864-2663

TELEPHONE 219 / 424-3800

FAX 219 / 420-1260

FRANK L. GALLUCCI  
MEMBER INDIANA, MICHIGAN AND  
DISTRICT OF COLUMBIA BARS

WILLIAM T. HOPKINS, JR.  
MEMBER INDIANA BAR

JOHN C. THEISEN  
MEMBER INDIANA AND  
MISSOURI BARS

JOHN T. MENZIE  
MEMBER INDIANA AND  
ILLINOIS BARS

JAMES D. STREIT  
MEMBER INDIANA AND  
CALIFORNIA BARS

M. SCOTT HALL  
MEMBER INDIANA AND  
CONNECTICUT BARS

GARY L. CALHOUN  
MEMBER INDIANA BAR

JULIE M. SLAVENS  
MEMBER INDIANA BAR

STUART K. WELIEVER  
MEMBER INDIANA BAR

LOREN K. ALLISON  
MEMBER INDIANA BAR

MICHAEL A. SCHEER  
MEMBER INDIANA AND  
MICHIGAN BARS

JOHN A. GRIFFIN  
MEMBER INDIANA BAR

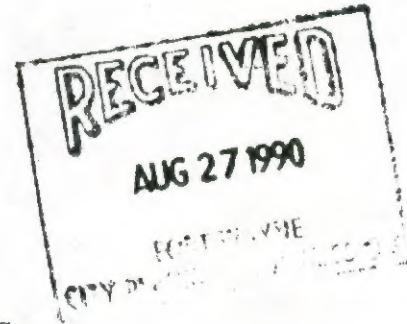
August 27, 1990

HAND DELIVERY

City of Fort Wayne  
Office of Community and Economic  
Development  
Eighth Floor, City County Bldg.  
Fort Wayne, Indiana 46802

Attention: Mr. Wayne O'Brien

Re: Flashfold Packaging Group, Inc.  
Vacation G-89-09-05



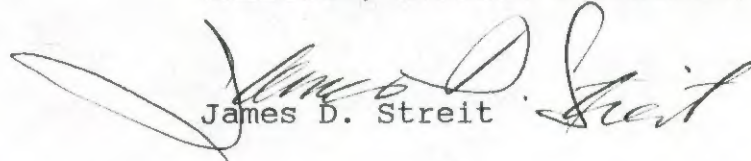
Dear Wayne:

This will confirm our previous telephone conversation in which I indicated that Flashfold had determined to withdraw its previously filed petition to vacate portions of Ohio Street and an adjoining alley. As I indicated on the telephone, the company has undergone a change in ownership since the filing of the initial petition, and the new owners do not wish to proceed with the matter at this time.

If you have any questions, please do not hesitate to contact me at your convenience. Thank you for your courtesy and cooperation in this matter.

Very truly yours,

GALLUCCI, HOPKINS & THEISEN, P.C.

  
James D. Streit

JDS/ag

cc: Mr. Clyde Potts

LA222/3

**FACT SHEET**

G-89-09-05

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Street &amp; Alley Vacation

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

Ohio Street south of Hayden Street, and a 12 foot strip at the east ends of Lots 214 thru 218, 220 and 119 of Eliza Hanna Sr's Addition

**Reason for Project**

Future building expansion.

**Discussion (Including relationship to other Council actions)**

18 September 1990 - Public Hearing

Gary Calhoun, attorney for the petitioners, Flashfold Packaging Group, Inc., appeared before the Commission. Mr. Calhoun stated that the petitioners own all of the adjacent property to this portion of Ohio Street and the alleys that they are requesting vacated. He stated that the purpose for the vacations is for future expansion of this company.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacations.

25 September 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing the following:

1. Provide utility easements or relocation as necessary.
2. Provide a dedicated turn-around easement to meet the requirements of Street Engineering.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Flashfold Packaging Group Inc  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**

☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**

☐ For ☐ Against  
☒ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



# DETAILS

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

27 August 1990 - Business Meeting

When conditions are applied to a request petitioners are given six (6) months in which to comply. The petitioner had not complied within the six month period. When contacted their attorney informed the City that the company had undergone a change of ownership since the filing of the initial petition, and the new owners did not wish to proceed with the request.

Motion was made and seconded to return the ordinance to the Common Council as WITHDRAWN as requested by the petitioners.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

## POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 16 August 1989

Projected Completion or Occupancy

Date 28 August 1990

Fact Sheet Prepared by

Date 28 August 1990

Patricia Biancaniello

Reviewed by

Date 8/30/90

*Harry Maglio*

Reference or Case Number



#404

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Street and Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Portion of Ohio Street and the East-West  
alley immediately south of and adjacent to Lots 214 through 220 in Eliza Hanna Sr's  
Addition.

*D-89-09-05*

EFFECT OF PASSAGE Property is dedicated right of way. Property will be  
vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right of way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_



G-89-09-05

## REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) <sup>XXXXXXXXXX</sup> amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating  
dedicated right-of-way thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~)X UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)\_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED:

Sandra E. Kennedy  
City Clerk

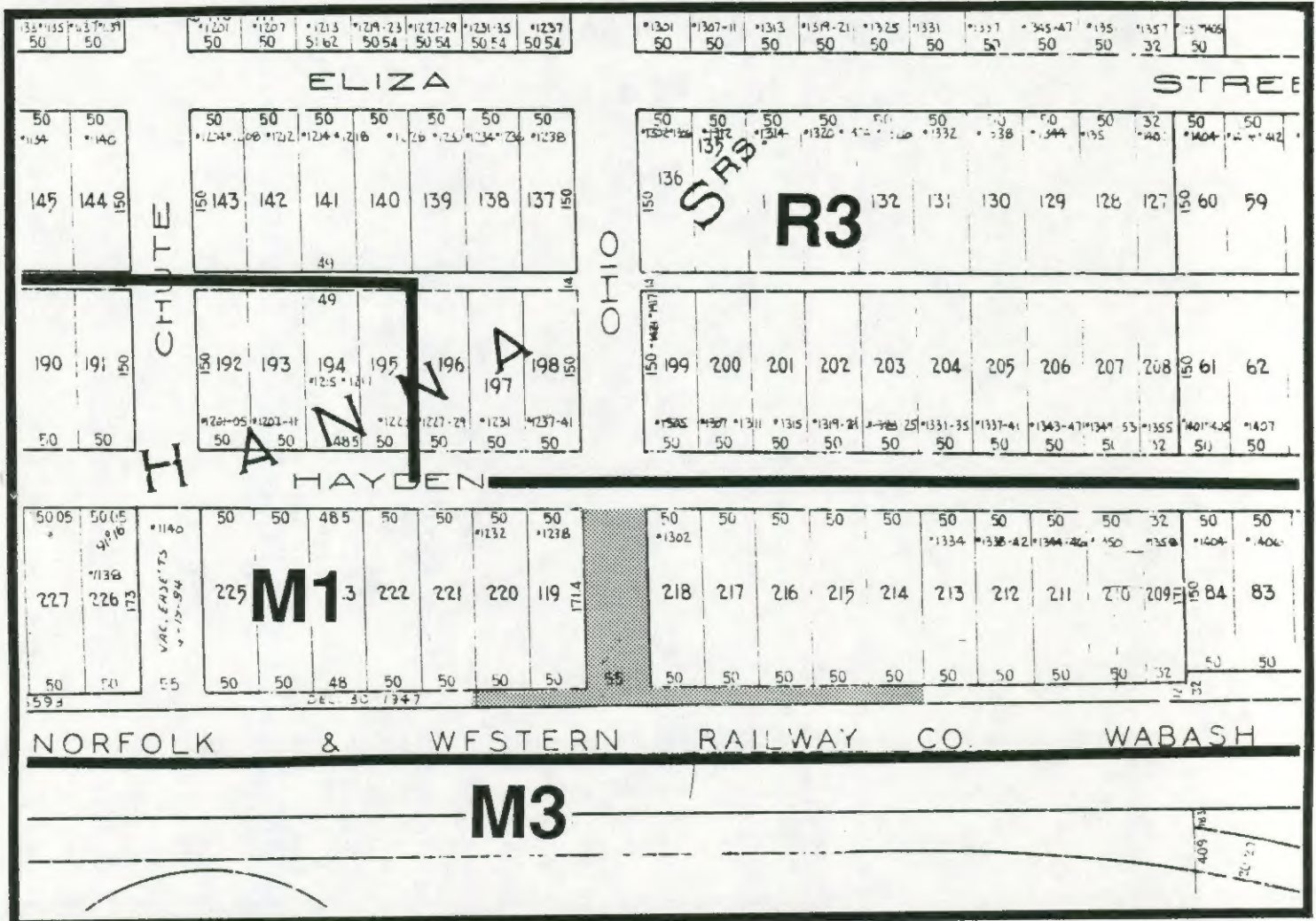


# VACATION PETITION # 404

A PETITION TO VACATE THE DESCRIBED PORTIONS OF PUBLIC STREETS AND ALLEYS.

MAP NO. 0-2

COUNCILMANIC DISTRICT NO. 1



## ZONING:

M1 LIGHT INDUSTRY

M3 HEAVY INDUSTRY

R3 RESIDENTIAL DISTRICT

## LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL
- ☐ CHURCH

SCALE: 1"=175'

DATE: 8-25-89